

Notice of Allowability

Application No.

09/817,138

Examiner

Ted T. Vo

Applicant(s)

DHONG ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/03/04.
2. ☒ The allowed claim(s) is/are 1-26.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Ted T. Vo
TED T. VO
Primary Examiner

1. This communication is in response to the claimed amendment filed on 08/03/04 responsive to the Office action dated: 05/03/2004.

The arguments given in remarks section (Remarks, pages 11-15) to newly amended limitations of independent Claims 1, 10, 19, and 22-25 have been fully considered and persuasive. With further extensive searches, the prior arts of record:

Barnhill (US Pat. No. 6,128,608), previously applied to independent Claims 19, 22, 24 under 35 USC 102(e),

Makiyama et al (US Pat. No. 5,987,181), and

Leprince (US Pat. No. 5,911,074), Makiyama and Leprince, in combination, previously applied to independent Claims 1, 10 under 35 USC 103, and Barnhill and Leprince, in combination, previously applied to independent Claims 23 and 25 under 35 USC 103, remain the closest arts of record.

2. The Drawings submitted on 11/01/2001 has been approved by Examiner for examination purposes.

Reasons for Allowance

3. Claims 1-26 are allowed.

-Prior art of record, Barnhill, discloses a system that permits entering problem data describing a problem to be solved, the data including verification criteria and comparison criteria and to transmit the problem data (Barnhill: FIG. 3).

-Prior arts of record, Makiyama and Leprince in combination,
wherein Makiyama discloses inputting data (coded data) that is inputted in a pre-selected tool, if more than one tool has been pre-selected, comparing resultant solutions and selecting the optimum solution based on a criteria provided in said provided data (Makiyama: Column 10, lines 25-37), and

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discloses means for exercising a problem description on a plurality of vendors' software tool packages, and means for ranking the results of a plurality of vendor's software tool packages (Makiyama: FIG. 17, and Column 29, lines 21-35),

wherein Leprince discloses input data is converted into a format suitable in a certain tool (Leprince: Column 1, lines 57-64).

The rationale for combinations is that a certain tool processes data in a suitable format.

-Prior arts of record, Barnhill and Leprince in combination,

wherein Barnhill discloses having means for exercising a problem description on a plurality of vendor software package tools (Barnhill: FIG.2) and sorting and ranking results of said plurality of vendor's software packages (Barnhill: FIG.2, FIG.3), and

wherein Leprince discloses input data is converted into a format suitable in a certain tool (Leprince: Column 1, lines 57-64).

The rationale for combination is that a certain tool would process data in a suitable format.

With regards to the amended limitations, Applicants point out that Barnhill teaches only a single software tool from a single vendor, therefore does not disclose *plurality of tools from different vendors* (Remarks: page 12, last five lines in the page, as regard to Claims 19-22, and 24), and Applicants further point out that Barnhill (nor Makiyama) does not teach comparing and ranking the solutions of problem data exercised on tools from different vendors (remarks: page 13, lines 15-20, as regard to Claims 23 and 25). Also, Applicants point out that Makiyama merely teaches optimal tool is then selected (remarks: page 13, line 7) and Leprince demonstrates the conversion of data into a format for a tool (Remarks: page 13, lines 17-18) and no references teach or suggest *"inputting a formatted problem data into each of software tools supplied by different tool vendors; and using one or more parameters to determine a comparative ranking of solutions resulting from said different vendors' software tools"* (Remarks: page 14, lines 1-4, as regard to Claims 1 and 10).

Therefore, the following is an examiner's statement of reasons for allowance: The cited prior arts taken alone or in combination fail to teach claimed invention, systems, a method, and computer readable media, comprising at least features,

"said first computer permitting an originator to enter said problem data describing a problem to be solved, said problem data including a comparison criterion, said at least one second computer containing a plurality of software tools from different vendors for exercising said problem data",
as recited in independent Claim 19,
and,

"means for exercising said a problem description on said a plurality of software tools from said different tool vendors; and
means for ranking results obtained from said plurality of software tools",
as recited in such manners in independent Claims 10, 22-25,
and so as,

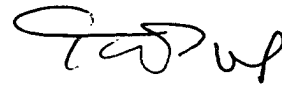
"inputting a formatted problem data into each of software tools from different tool vendors; and
using one or more parameters to determine a comparative ranking of solutions resulting from said different vendors' software tools",
as recited in independent Claim 1.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3694. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ted T. Vo
Primary Examiner
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January 05, 2005